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LETTER DATED 3 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position with respect to the developments that have taken place in connection with Iraq's failure to discharge its obligations under the Security Council resolutions relating to its aggression against the State of Kuwait, in particular resolution 687 (1991), the cease-fire resolution, since the Council's most recent review of the sanctions regime on 13 March 1995.

We convey to you hereunder the most salient of those issues with respect to which Iraq continues to engage in evasion and procrastination, in open defiance of United Nations resolutions.

I. KUWAITI AND THIRD-COUNTRY PRISONERS AND HOSTAGES

The meetings held on prisoners and hostages by the tripartite committee and its technical subcommittee, the most recent of which was that of the tripartite committee on 7 April 1995, have yet to yield any positive results. Through its shameless conduct at these meetings, Iraq has only demonstrated that it lacks seriousness in seeking a definitive resolution of this human tragedy, and it has thus failed to meet the obligation to cooperate with the International Committee of the Red Cross (ICRC) that was imposed upon it under paragraph 30 of resolution 687 (1991). The following facts would indicate that Iraq has thus far lacked any desire to resolve the issue and that it has been making an obvious and sustained effort to evade its obligations in this respect:

1. The purpose of Iraq's belated participation in the meetings of the tripartite committee and its technical subcommittee is not to bring the issue to a close but to create a favourable impression among the members of the Security Council that it is being cooperative. It is doing this in order to achieve the goal for which it is actually striving, namely the modification or mitigation of the sanctions regime of which it is the object.

2. Iraq's replies on certain dossiers forwarded to it by ICRC have been inadequate and are marked by the absence of any true and genuine desire to ascertain the fate of the prisoners.

3. Iraq is persisting in its refusal to allow ICRC to visit Iraqi prisons in implementation of the standard rules and procedures governing the work of ICRC.

4. Iraq refused to sign the minutes of the most recent meeting of the tripartite committee, that held at Geneva on 7 April 1995, because they contained a section setting forth Iraq's obligations and responsibilities and referring to the relevant Security Council resolutions. There can be no doubt that this illustrates Iraq's desire to evade its obligations and its persistence in attempting to exclude the Security Council from involvement in addressing the issue.

These practices demonstrate that Iraq's claims that it is cooperating with the tripartite committee are false. Had Iraq been cooperating seriously and genuinely in these meetings, they would have borne fruit in terms of producing results elucidating the fate of some of the Kuwaiti and third-country prisoners and missing persons, particularly since it is first and last Iraq that is responsible for ascertaining their fate. This, in its turn, casts doubt on the utility of holding such meetings.

It is very difficult for a regime such as that of Iraq to grasp the scale of the human suffering caused by its holding Kuwaiti and other prisoners. That is not to be wondered at; it has, after all, rejected the Security Council's recent resolution 986 (1995), which permits it two billion dollars' worth of exports every six months in order to provide for humanitarian needs such as food and medicine and to mitigate the suffering of its own people, a people that has suffered much because of the regime's anomalous policies and practices.

On the basis of the foregoing, Kuwait urges the members of the Security Council to pursue their earnest endeavours and maintain their resolute positions of principle with a view to bringing pressure to bear on Iraq, to require Iraq to discharge its obligations as set forth in paragraph 30 of resolution 687 (1991), and to remind Iraq that this is a humanitarian issue that must be addressed without the haggling, the attempts at circumvention, the procrastination or the selectivity that have characterized its record in implementing the other provisions of resolution 687 (1991) and the other resolutions relating to its aggression against Kuwait.

II. RETURN OF PROPERTY SEIZED BY IRAQ DURING ITS OCCUPATION OF KUWAIT

There can be no doubt that Iraq is making a serious effort to close the file on this matter, but it is endeavouring to end it without having done all that is required of it under the relevant Security Council resolutions. This selective manner of proceeding is by no means alien to the Iraqi regime. Had it been serious in its endeavour to discharge its obligations in this connection it could have done so within a two-year period at the very most. The matter

nevertheless remains unresolved, inasmuch as there are many lists of items that have yet to be returned. They include:

(a) Some 200 armoured vehicles that remain in Iraq's possession and that it used in its last military deployments near its boundaries with Kuwait;

(b) The HAWK missile system;

(c) The official documents looted by Iraqi forces from the Office of the Amir, the Office of the Crown Prince, the Cabinet Office and the Ministry of Foreign Affairs, and which cannot be regarded as property such as that referred to the United Nations Compensation Commission;

(d) The private-sector property that was stolen and whose value exceeds hundreds of millions of dollars. It was shipped to Iraq on the basis of inventories drawn up by Iraqi ministries and signed and stamped by designated government agencies that came to Kuwait to supervise the theft and removal operations. Kuwait has in its possession originals and copies of such documents left behind by the Iraqi regime on its ejection.

The Iraqi regime has a responsibility to comply fully with the letter and spirit of all the Security Council resolutions relating to its aggression against Kuwait and to demonstrate good faith in implementing those resolutions. The policies and practices of this regime, however, constantly provide grounds for a multitude of doubts concerning its intentions, even after it has discharged some of its obligations. The article on Iraq's recognition of Kuwait by Nuri Najm al-Marsumi, Under-Secretary at the Ministry of Information of the Iraqi regime, that was published by the Iraqi newspaper Al-Iraq on 11 April 1995 under the headline "American misunderstanding must be removed" perhaps illustrates the persistence of the regime in creating among the Iraqi people a false sense of having been wronged in relation to this issue, even after the regime's official recognition of the sovereignty and independence of Kuwait. In the article, the author states as follows:

> "Although Iraq has officially recognized Kuwait as a State, there is a widespread popular movement that does not endorse that recognition and that feels embittered that part of its precious homeland has been detached and transformed into a prize for the foreigner, a sanctuary for a dissolute clique such as the Al Sabah family and a source of conspiracy against the interests of the homeland and the people."

Unacceptable propagandistic language of this kind only increases suspicion and distrust of the Iraqi regime's intentions, especially in light of the fact that this regime has a long history testifying to its failure to honour its undertakings and commitments.

As a consequence of the foregoing, the Security Council, given its legal and political responsibilities and its knowledge and experience of the methods and manoeuvres of the Iraqi regime, must assess the extent of Iraq's compliance in light of the intentions it expresses and must oblige Iraq to take all of the steps necessary for the effective and genuine implementation of all the relevant

Security Council resolutions with a view to ensuring the establishment of security and stability in the Arabian Gulf region.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative

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LETTER DATED 5 MAY 1995 FROM THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to inform you, upon instructions from my Government, that the situation in the formerly occupied Croatian territory of western Slavonia is calm, and that peace and order have been restored. Representatives of the International Committee of the Red Cross (ICRC), the Office of the United Nations High Commissioner for Refugees (UNHCR), the international media and diplomatic corps were allowed into the area as soon as it was secured. Complete freedom of movement of the United Nations Confidence-Restoration Operation in Croatia (UNCRO) - previously restricted for their own safety - has been restored.

Today, the Zagreb-Vinkovci railway line has been reopened, the radio station at Okučani has begun operating and elementary schools are continuing their educational programme. Health, medical and social insurance has immediately been extended to all citizens in western Slavonia. As an act of confidence-building, the Ministry of Social Services of Croatia has today appropriated a one-time financial grant to help all persons in need in the liberated territories. The Ministry of Reconstruction is preparing grants and loans for the rebuilding of destroyed property.

Regarding the preventive and temporary deployment of Croatian army personnel into the zone-of-separation in other sectors, we reiterate that this was prompted by the build-up of local Serbian paramilitary forces in the occupied territories. Following the terrorist attacks on Zagreb it was necessary that any further threat to population centres and civilians be deterred, especially in the areas of Zadar and Šibenik south of Sector Knin. The Government of Croatia reiterates that it has no intention of escalating the conflict. If we wanted to act, we have had ample opportunity to do so in response to the attacks on Zagreb. On the contrary, we remain committed to a peaceful resolution of the conflict through negotiations under the auspices of the international community, aimed at the peaceful reintegration of the occupied territories with the rest of the Republic of Croatia.

After the Cessation-of-Hostilities Agreement was reached, my Government immediately began implementing its terms and made arrangements for the surrender of the paramilitary forces in western Slavonia and provided them with the opportunity to leave the territory of Croatia if they so wished. However, at that time, some members of the international community mediation efforts circulated the idea that the surrounded Pakrac pocket should be given a status similar to that of "safe areas" in Bosnia and Herzegovina. My Government is of the firm view that this caused the surrendering forces in and around Pakrac to reconsider their decision to surrender and, instead, to resume fighting. The actions of paramilitary units resulted in two deaths and three injured in the police force, of the officers who were preparing to disband those units. This forced the police and territorial defence forces to disengage the resurgent attacks.

Presently, the disbanded members of the paramilitary forces are being questioned by law-enforcement authorities, in the presence of UNCRO. With regard to the approximately 600 members of those forces, the Abolition Act will be applied after they have been cleared of any allegations of war crimes. My Government has legitimate reason to believe that members of the paramilitary forces who were in the area are not entirely of the local population, but some have come from Bosnia and Herzegovina and the "Federal Republic of Yugoslavia (Serbia and Montenegro)".

Civilians from the area have been temporarily moved into hotels and other accommodation in the towns of Varaždin, Krapina and Novska, to provide them with shelter and other necessities until full normalization of living conditions in the Pakrac area is achieved. More than 3,000 Croatian citizens of Serbian nationality have so far decided to remain in their towns and villages. All persons in the liberated territory have on numerous occasions in the past several days been invited to remain in their homes by my Government. Should any of them wish to leave the area and to go to any other part of Croatia, or to any foreign country, the Government of Croatia will cooperate with international agencies in order to facilitate this.

My Government expresses its dismay that the Security Council has accepted serious accusations against the Republic of Croatia of widespread human rights violations committed against the Serbian population in the liberated territory. These unfounded and unsubstantiated reports, provided by Under-Secretary-General Chinmaya Gharekhan, have been refuted and shown to be completely false by European Union Monitoring Mission observers and representatives of foreign media. The Special Representative of the Secretary-General, Yasushi Akashi, has toured the area, and confirmed that the Croatian citizens of Serbian nationality in the area have been well-treated by the Croatian police.

My Government also deplores the reports of looting by "governmental and quasi-governmental" organizations. The attempts at looting of abandoned civilian properties by civilians have been dealt with and the same offenders have been apprehended.

In this regard, the Republic of Croatia demands that Under-Secretary-General Chinmaya Gharekhan present accurate information to the members of the

Council and issue an apology to the Government of Croatia for some of his previous statements that have been proven untrue.

I would kindly request your assistance in distributing the present letter as a document of the Security Council.

(Signed) Ambassador Mario NOBILO
Permanent Representative

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LETTER DATED 5 MAY 1995 FROM THE PRESIDENT OF THE SECURITY COUNCIL ADDRESSED TO THE PERMANENT REPRESENTATIVE OF CROATIA TO THE UNITED NATIONS

The Security Council acknowledges receipt of your letter dated 5 May 1995 (S/1995/358). It has instructed me to reject, on its behalf, the unacceptable allegations levelled by you against Ambassador Gharekhan and to tell you that there is absolutely no reason for Ambassador Gharekhan to apologize.

(Signed) Jean-Bernard MERIMEE
President of the Security Council

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LETTER DATED 5 MAY 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of an appeal by the Government of the Federal Republic of Yugoslavia to the United Nations Security Council (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Dragomir DJOKIĆ
Ambassador
Chargé d'affaires a.i.

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Annex

Alarming information causing great concern about systematic crimes committed by the armed forces and official police units of Croatia against the captured soldiers and defenceless population of the Republic of Serbian Krajina are received in succession from the territory occupied by Croatia after the aggression against the Republic of Serbian Krajina of 1 May 1995.

By this unscrupulous use of force, Croatia has violated the concrete Cease-Fire Agreement of March 1994 as well as a number of United Nations Security Council resolutions and other relevant documents calling upon all concerned to refrain from the use of force. By this aggression Croatia has also ignored the current efforts exerted by the Security Council towards the safeguarding of peace and security, which are particularly manifested in the resolutions on the United Nations peace-keeping forces deployed in this region. In addition, by the aggression against the Republic of Serbian Krajina, Croatia has hampered the implementation of the mandate of the United Nations peace-keeping forces and directly endangered the security and lives of their personnel only two days after the Security Council adopted the resolution on their new mandate.

The Croatian armed forces are continuing the aggression and the captured soldiers and the surrounding defenceless civilian population in the region of Pakrac and Okučani are exposed to their brutal physical maltreatment. Serb refugees from Okučani have been targeted and strafed from military planes and shelled by artillery grenades in their attempt to flee from the attacked zone and to find shelter in neighbouring Bosnia. Contrary to the Cease-Fire Agreement recently concluded between Croatia and the Republic of Serbian Krajina, in the presence of the Special Envoy of the United Nations Secretary-General, Mr. Yasushi Akashi, Croatian military and police forces perform mass executions, arrests, harassment and maltreatment of great numbers of civilians, frail children and feeble old people of all ages and both sexes, including captured soldiers of the Republic of Serbian Krajina, taking them to unknown destinations. This inhuman, illegal, criminal and basically genocidal activity of the Croatian side is being continued and expanded.

Apparently, the Croatian side has perceived the recent sluggish and inadequate reaction of the international community, and the Security Council in particular, as an encouragement to continue the policy of aggression and repression against all Serbs living in the occupied region.

Deeply concerned with the ongoing criminal activities of the official armed forces of Croatia against the defenceless and unprotected Serb people in the occupied parts of the Republic of Serbian Krajina, the Government of the Federal Republic of Yugoslavia demands from the Security Council that it immediately take all necessary measures within Chapter VII of the Charter of the United Nations in order to ensure an immediate cessation of these activities against the captured and endangered Serbs, the handing over of those captured to the United Nations peace-keeping forces, withdrawal of the Croatian army and police units to their positions before the beginning of the aggression and prevention of new aggression against the Republic of Serbian Krajina.

The present marking of the jubilee of the victory against fascism, to which all peoples who were victims of fascism devote deep emotions and piety, is being exposed to wanton and public mockery by the pro-fascist authorities of the present-day Croatia, which once again decorates itself with the symbols of Hitler and Mussolini and the creation of the so-called Independent State of Croatia, and which commits today the same crimes against the Serb people as the Ustashas did more than half a century ago.

The Government of the Federal Republic of Yugoslavia will determine its position towards the current crisis depending on the efficiency of the measures the Security Council will take in order to end the escalation of the aggression of Croatia against the Republic of Serbian Krajina and to eliminate as soon as possible the consequences of the aggression.

Belgrade, 5 May 1995